

## R E M A R K S

Applicant thanks the examiner for the rather extensive analysis and application of the cited art in his office action of April 30, 2009.

### **§102(e) Rejection of Claims 26, 29-30, and 32-33**

In the Office Action, claims 26, 29-30, and 32-33 were rejected under 35 U.S.C. §102(e) as being anticipated by Chack (USP 6,751,211). The examiner contends that Chack discloses each and every element of these claims. Applicant, however, believes the examiner overlooked certain claim elements but nevertheless made certain amendments to emphasize Chack's shortcomings relative to the rejected claims.

In a first instance, the examiner should note that applicant's invention differs from Chack by "fetching" or actually retrieving pre-designated information rather than simply providing a URL "pointer" to the information. As Chack explains at col. 7, lines 11-14,

Based on the information known about the call initiator, the transaction processing system determines whether to *automatically provide a URL* to the call initiator. For example, customers of an organization operating the transaction processing system may notify the organization that they have the capability to receive and utilize a URL. The organization maintains a table of such customers based on the customer's telephone number, ... (Italics Added)

Here, and throughout Chack's description, he provides a URL pointing to a web page on the Internet or to a custom web page generated by his transaction processing system. In the examined claims 26, 29-30, and 32-33, applicant's system actually "fetches" information from the Internet or other database resource and provides the fetched information to the caller. For example, claim 26 recites "automatically retrieving said user specified pre-designated information." To take it a step further, claims 27 recites "converting, if necessary, the retrieved information to a "short message." Chack, on the other hand, only provides the caller with a URL "pointer."

In addition, claim 26 further differs from Chack by reciting "*formulating and storing a user specific retrieval profile designating a message delivery format and user*

*specified pre-designated information*” and then “*transmitting said retrieved user specified pre-designated information... according to said retrieval profile.*” Advantageously, this “transferring” feature provides the caller with the flexibility of specifying his or her desired delivery format, e.g., via SMS text messaging, HTML, or other format. Chack, unlike applicant’s invention, does not provide this advantage. As noted above, Chack’s disclosure, beginning at col. 7, line 14, provides:

For example, customers of an organization operating the transaction processing system may notify the organization that they have the capability to receive and utilize a URL.

Nothing in Chack is believed to be said about the caller designating his own *message delivery format*. Instead, the Chack’s caller merely indicates whether the caller has the capability of receiving and utilizing the organization’s pre-designated format, i.e., the URL to access an HTML web page.

Accordingly, the invention of claim 26 defines over Chack in a way to remove it as an anticipation reference under 35 U.S.C. §102(e). Specifically, Chack does not teach (i) fetching or retrieving the pre-designated information (instead, Chack provides a URL “pointer” to the information) or (ii) providing a *message delivery format* in a retrieval profile and transmitting the pre-designated information according to the *message delivery format* (which provides the caller with addition flexibility).

Claim 30 defines over Chack for similar reasons. In particular, relative to claim 30, Chack fails to disclose the following claim elements with emphasis on the underlined passages:

*means for formulating and storing a user specific retrieval profile  
designating a message delivery format and a user specified pre-designated  
information related to a first calling device*

or

*means for automatically retrieving said user specified pre-designated information using said call related information in response to said call from said calling first device*

or

*means for transmitting said retrieved user specified pre-designated information to said first calling device according to said retrieval profile.*

In sum, Chack fails to show (i) a message delivery format in a retrieval profile, (ii) actually retrieving the desired information rather than providing a URL “pointer”, or (iii) transmitting the information according to the message delivery format.

For at least these reasons, Chack fails to anticipate claim 30.

Claims 28-29 and 32-33 likewise define over Chack as they include limitations of base claims 26 and 30 from which they respectively depend.

#### **§103(a) Rejection of Claims 27 and 31**

Claims 27 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chack in view of Pepe et al. (U.S. Pat. 5,742,668). In addition to features of their base claims, claims 27 and 31 recite transmitting retrieved information in a short message format. Because the retrieved information may not initially reside in a format matching the caller’s reception capability, applicant these claims were amended to further recite *converting, if necessary, the retrieved user specified pre-designated information to a short message*. The “converting” feature augments those features provided by the base claims, that is, the base claims distinctively recite transmitting the retrieved information according to a *message delivery format* specified in a retrieval profile, and the dependent claims 27 and 31 further recite “*converting*” the retrieved information to a short message format to match the caller’s reception capability when the message delivery format in the retrieval profile specifies that a “short message” is desired

by the caller. Pepe et al. does not show “converting” native format of the retrieved information to a desired delivery format.

Thus, for at least this additional reason and the reasons stated above relative to their base claims, claims 27 and 31 define over the combined teachings of Chack and Pepe et al.

**§103(a) Rejection of Claims 7 and 8**

Claims 7 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Makela (U.S. Pat. 6,301,338) in view of Chack. In reply, applicant asserts that claims 7 and 8 define over their combined teachings for reasons similar to those stated above.

Claims 7-8, as amended, recite:

*formulating a user specific retrieval profile designating a message delivery format and a user specified pre-designated information for said calling communication device, and*

*automatically fetching and providing said email to said calling communications device to said calling communication device according to said retrieval profile;*

Makela fails to show the recited message delivery format or the advantages provided thereby, or providing the email according to the retrieval profile. As explained above, Chack also fails to show the message delivery format or providing information according to a message delivery format.

For these and other reasons, the inventions of claims 7 and 8 define over the combination of Makela et al. and Chack.

**§103(a) Rejection of Claims 7 and 8**

Claims 7 and 8 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Pepe et al. in view of Chack. But in view of Chack's shortcomings, as explained above, and Pepe et al. fails to show:

*formulating a user specific retrieval profile designating a message delivery format and a user specified pre-designated information for said calling communication device, and*

*automatically fetching and providing said email to said calling communications device to said calling communication device according to said retrieval profile;*

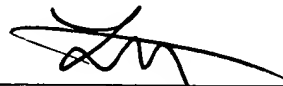
Claims 7 and 8 are not obvious in view of the combined teachings of Chack and Pepe et al.

**Conclusion**

Reconsideration is respectfully requested. The undersigned stands ready to resolve any issues of allowability by telephone.

An extension fee of \$130 accompanies this paper.

Respectfully submitted,



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